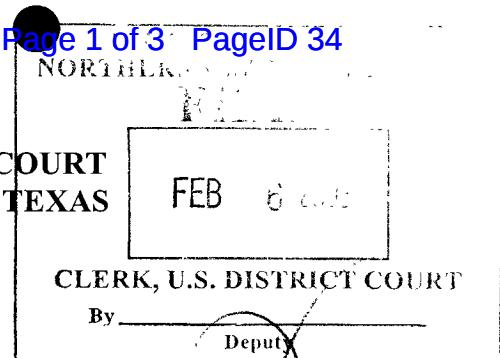


Original

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



LISA TEAL,

§

Plaintiff,

§

Expedited Consideration Requested

§

v.

§

CIVIL ACTION NO.

H. J. HEINZ COMPANY,

§

3:02-CV-1052-G

§

Defendant.

§

**DEFENDANT'S SECOND MOTION TO MODIFY SCHEDULING ORDER
TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS**

**TO THE HONORABLE A. JOE FISH, UNITED STATES DISTRICT
JUDGE FOR THE NORTHERN DISTRICT OF TEXAS:**

Defendant H.J. Heinz Company ("Heinz") files this Second Motion to Modify Scheduling Order to Extend Deadline to File Dispositive Motions and in support thereof would show the Court the following:

I. INTRODUCTION

On April 5, 2002, Plaintiff filed this lawsuit against Heinz purporting to assert employment-related claims under Title VII for sex (pregnancy) discrimination. On June 10, 2002, the parties submitted their Joint Status Report in this matter. This Court issued an Initial Scheduling Order on June 17, 2002, setting various pre-trial deadlines, and placing this case on the Court's four-week docket beginning September 2, 2003. In addition, the Court established a discovery deadline of March 31, 2003, and a dispositive motion deadline of January 24, 2003.

On January 22, 2002, Heinz filed its Motion to Modify Scheduling Order to Extend Deadline to File Dispositive Motions, requesting that the Court extend the deadline to file dispositive motions until Friday, February 7, 2003 to permit the parties to continue to engage in settlement discussions, which the Court granted. Heinz now respectfully requests that the Court modify the Scheduling Order to further extend the deadline for filing dispositive motions until February 21, 2003.

II. ARGUMENTS AND AUTHORITIES

1. On January 6, 2003, Plaintiff's deposition was taken. Following the deposition, the parties commenced settlement discussions. Those discussions have continued until this date, and remain pending.

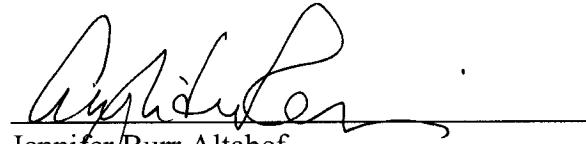
2. Pursuant to Rules 6(b) and 16(b) of the Federal Rules of Civil Procedure, the Court has discretion to enlarge the period of time for filing motions as set forth in the Scheduling Order. The parties do not seek this further extension for the purpose of delay, but only so that the parties may have adequate time to consider settlement options in this matter without, at the same time, incurring the expense of drafting dispositive motions.

3. The proposed modified deadline will not affect the September trial setting or any other deadline in this case.

4. As the present deadline for Dispositive Motions is fast approaching, Heinz respectfully requests that the Court consider this motion on an expedited basis.

WHEREFORE, for the reasons outlined above, Heinz respectfully requests modification of the dispositive motion deadline as identified above, and requests such other and further relief as the Court may deem appropriate.

Respectfully submitted,



Jennifer Burr Altabef
State Bar No. 03458400
Angelina LaPenotiere
State Bar No. 24007530
CARRINGTON, COLEMAN,
SLOMAN & BLUMENTHAL, L.L.P.
200 Crescent Court, Suite 1500
Dallas, TX 75201
PHONE: (214) 855-3000
FAX: (214) 855-1333

*Attorneys for Defendant
H.J. Heinz Company*

CERTIFICATE OF CONFERENCE

On Thursday, February 6, 2003, the undersigned counsel spoke with counsel for Plaintiff by telephone to discuss the substance of this Motion. Counsel for Plaintiff indicated that she did not oppose the Motion.



Angelina LaPenotiere

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause in accordance with Rule 5, Federal Rules of Civil Procedure, on this 6th day of February, 2003.

